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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/045,373      | 01/15/2002  | Burl Finkelstein     | 170415-00081        | 1256             |

7590

03/24/2003

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| EXAMINER |
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BARRETT, SUZANNE LALE DINO

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3676

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant N .

10/045,373

Applicant(s)

FINKELSTEIN

Examiner

Suzanne Dino Barrett

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,4,6,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finkelstein et al 5,582,443 in view of Hoyt et al 4,669,282. Finkelstein et al teach a lock assembly for refrigerator or freezer doors of typical construction having a metal outer casing with insulation in the middle, and further comprising an outer deadbolt lock means 22, an inner handle means 13 and a shaft (21/17) comprised of a metal portion 21 and an insulated low thermal conductive plastic portion 17. Finkelstein et al fail to provide the lock housing mounted on the door jamb instead of the door. Hoyt et al teach a conventional deadbolt assembly with the lock housing mounted to the door jamb 14 and the keeper on the door 10. It would have been obvious to one of ordinary skill in the art to modify the device of Finkelstein by switching the location of the housing as taught by Hoyt et al as an obvious reversal of parts.

3. Claims 2,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finkelstein et al 5,582,443 in view of Hoyt et al 4,669,282 as applied to claim 1 above, and further in view of Hoebing 4,099,754. Finkelstein teaches metal mounting screws 33 countersunk in the mounting plate 28 but fails to provide a plastic cap therefor.

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Hoebing teaches a plastic cap 93 for a bolt. It would have been considered an obvious matter of design choice to provide the screws of Finkelstein with a plastic cap to provide further insulation from the cold.

4. Claims 3,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finkelstein et al 5,582,443 in view of Hoyt et al 4,669,282 as applied to claim 1 above, and further in view of Van Voorhees 2,153,819. Van Voorhees teaches a similar refrigerator lock comprising an actuating shaft having two metal portions 65,71 connected by an insulated portion 170. It would have been obvious to modify the shaft 21/17 of Finkelstein by providing an insulated portion in the middle of the shaft as taught by van Voorhees to enhance the thermal properties of the refrigerator.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the insulated parts for refrigerator or freezer latches of the cited art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 703-308-0825. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9326

for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1020.

A handwritten signature in black ink, appearing to read 'Suzanne Dino Barrett', with a stylized flourish at the end.

Suzanne Dino Barrett  
Primary Examiner  
Art Unit 3676

sdb  
March 18, 2003